

# **STATEMENT OF EMERGENCY**

## **CALIFORNIA CODE OF REGULATIONS TITLE 14. DIVISION 1.**

### **SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING SUBCHAPTER 3. OIL SPILL CONTINGENCY PLANS Statewide Oil Spill Response Organization (OSRO) Rating**

#### **SECTIONS 819 – 819.07**

**September 23, 2015**

SB 861 (Chapter 35, Committee on Budget and Fiscal Review, Statutes of 2014) signed by the Governor to go into effect on July 1, 2014, created a statewide oil spill prevention and response program. To fund this comprehensive program, the bill amended Government Code Section 8670.40 to expand the Oil Spill Prevention and Administration Fund fee of six and one-half cents (\$0.065) per barrel to all crude oil and petroleum products received at a marine terminal or refinery by any mode of delivery, which now includes oil delivered by rail.

The bill added Government Code Section 8670.7.5, which expressly authorized emergency regulations so the Administrator can implement this important program as soon as possible:

“(a) The administrator may adopt regulations to implement this chapter pursuant to the Administrative Procedure Act (Chapter 3.5(commencing with Section 11340) of Part 1 of Division 3).

(b) (1) An emergency regulation adopted pursuant to amendments made to this chapter by Senate Bill 861 of the 2013–14 Regular Session shall be deemed an emergency and necessary to avoid serious harm to the public peace, health, safety, or general welfare for the purposes of Sections 11346.1 and 11349.6, and the administrator is hereby exempt from the requirement that he or she describe facts showing the need for immediate action and from review by the Office of Administrative Law.”

Every attempt has been made to limit the emergency regulations for the purposes of the amendments made by SB 861. To implement a fully comprehensive Oil Spill Prevention and Response program for all Waters of the State, provisions have been either added to existing regulations, or adopted as separate sections that mirror the Oil Spill Prevention and Response Program for Marine Waters. Additionally, language has been added/amended to make the provisions applicable to rail without triggering federal pre-emption issues.

Specifically, these emergency regulations amend existing Oil Spill Prevention and Response Rating regulations to make them applicable to Inland Facilities, in addition to the current requirements for Marine Facilities and Vessels.